

Remarks

Claims 1, 8 and 13 were amended to add a primary oxidation step. Support for this amendment can be found on page 14, lines 20-23, and page 15, lines 1-6.

Claim 18 was amended to indicate that one solid-liquid separation device could be used. Support for this limitation can be found on page 24, lines 13-20.

Claims 7, 12, 16 and 21 were amended to add the following limitation "wherein said catalyst comprises cobalt, manganese and bromine compounds. Support for this limitation can be found on page 3, lines 15-20.

Status of Claims

Claims 1- 22 are pending in the application. Each of these claims is under consideration.

Claim Objections

Objections were received for Claims 45-47 were objected. Claims 23-47 have been canceled so the objections are now moot.

Claim rejections 35 U.S.C. § 112

Claims 7, 12, 16, 21, 27, 32, 38, and 44 were rejected under 35 U.S.C §112 paragraph 1 for the use of the word "catalyst". To advance prosecution application have amended claims 7, 12, 16 to add the following limitation, "wherein said catalyst comprises cobalt, manganese and bromine compounds." Claims 27, 32, 38, and 44 have been canceled.

Claim 18, 23, 28, 33, and 37 were rejected under 35 U.S.C second paragraph for the use of the phrase "a substantial portion". The claims have been amended to "a portion" to advance prosecution in claim 18, the rest of the claims were canceled. The examiner is directed to the specification (page 17, lines 10-15) which states that solvent is being replaced with water and generally the resultant cake would contained less than about 2% solvent..

Claim Rejections – 35 U.S.C. § 103

Claims 1-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,158,738 to Scott et al. (Scott), in view of U.S. Patent 5,200,557 et al. (Gee). For the following reasons, these rejections should be withdrawn.

An interview was conducted, and per the interview the claims were amended to advance prosecution. Applicants again wish to thank the Examiner for his time and attention in the interview conducted on 12/13/2006. Applicants respectfully state that with the new amendments, examiner's rejections are overcome.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In that respect, both Scott and Gee do not teach all the limitations of applicants' invention. Scott and Gee do not teach all the limitations in independent claims 1, 8, 13, and 18. For example, neither Scott or Gee teach that the location of the liquor exchange step or solid liquid displacement step is after the oxidation step. Scott specifically shows that the location of the solid liquid displacement step is after the crystallizer. Furthermore in claims 13 and 18 both the acid wash and solvent swap is

performed in one device. This is contrary to Scott's invention which performs its operations using many steps and devices.

In addition, there is no motivation to modify Scott's or Gee's invention because of the large differences in the two processes and lack of any teachings to combine. They are both related to TPA but are both completely different processes. Scott process is solvent based without hydrogenation while Gee's process utilized a hydrogenation water based process.

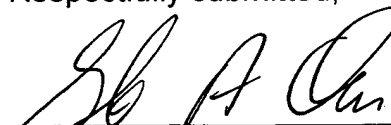
In light of these arguments, there is no *prima facie* case of obviousness, and applicants respectfully state that the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

The application is in condition for allowance. The Examiner is respectfully requested to reconsider the rejection(s), remove all rejections, and pass the application to issuance.

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Respectfully submitted,

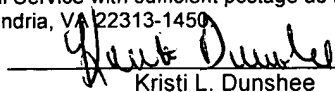


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1/25/2002
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